



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/468,792 06/06/95 D'AMATO

12M1/0524

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ATLANTA GA 30303-1769

EXAMINER

CEBULAK, M

ART UNIT PAPER NUMBER

7

1209

DATE MAILED:

05/24/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 12/18/95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

- ☐ Claims \_\_\_\_\_ are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☐ Claims \_\_\_\_\_ are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☒ Claims 25-40 are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Art Unit: 1209

***Election/Restriction***

1. Claim 25 is generic to a plurality of disclosed patentably distinct species comprising the compounds wherein  $R_5$ ,  $R_6$  and  $R_8$  are O, optionally substituted C, optionally substituted N; and  $R_9$  can embody a plethora of moieties. Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

2. A telephone call was made to attempt to contact Atty. Mary A. Merchant on 5/6/96 to request an oral election to the above restriction requirement, but did not result in an election being made. A message was left for the above but no response was received.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Papers related to this application may be submitted to Group 1200 by facsimile transmission. Papers should be faxed to Group 1200 via (703)308-4556. The faxing of such papers must conform

Serial Number: 08/468,792

-3-

Art Unit: 1209

with the notice published in the Official Gazette, 1096 OG 30  
(November 15, 1989).

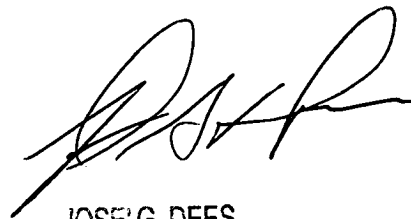
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner M. Cebulak at (703)308-4520. The Examiner can be reached between 7:30 a.m. and 5:00 p.m. Monday-Thursday.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1200 receptionist at (703)308-1235.



mcc

May 22, 1996



JOSE G. DEES  
SUPERVISORY PATENT EXAMINER  
GROUP 1200